



DEPARTMENT OF THE NAVY
BOARD FOR CORRECTION OF NAVAL RECORDS
2 NAVY ANNEX
WASHINGTON DC 20370-5100

ELP
Docket No. 2438-00
5 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 30 August 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found that you enlisted in the Marine Corps on 5 September 1974 for three years at age 18. The record reflects that you were advanced to PFC (E-2) and served for more than nine months without incident. However, during the 19 month period from June 1975 to January 1977, you received three nonjudicial punishments (NJP). Your offenses consisted of having an unclean and rusty rifle, disrespect, two instances of failure to obey a lawful order, communicating a threat, and incapacitation for the proper performance of your duties due to an over indulgence in alcohol. As a result of your last NJP, you were reduced from LCPL (E-3) to PFC.

On 31 January 1977 you received a general discharge by reason of the Marine Corps Expeditious Discharge Program. The discharge processing documentation is not on file the record. You were not recommended for reenlistment due to poor attitude and lack of motivation.

Regulations authorized the discharge of individuals serving in the rank of LCPL and below for convenience of the government under the expeditious discharge program who clearly demonstrated that they could or would not meet acceptable standards because of poor attitude, lack of motivation, lack of self-discipline, or inability to adapt socially or emotionally to service requirements; or had failed to demonstrate promotion potential. Individuals separated under this program received the type of discharge warranted by the service record.

Character of service is based, in part, on conduct and proficiency averages which are computed from marks assigned during periodic evaluations. Your conduct and proficiency averages were 3.8 and 4.0, respectively. A minimum average mark of 4.0 in conduct was required for a fully honorable discharge.

In its review of your application the Board carefully weighed all potentially mitigating factors such as your youth and immaturity, limited education, low test scores, and the fact that it has been more than 23 years since you were discharged. The Board noted your contentions to the effect that you were told to leave without any explanation and that your discharge papers would be mailed to you. You claim you never received your discharge papers. The Board concluded that the foregoing factors and contentions were insufficient to warrant recharacterization of your discharge given your record of three NJPs and the fact that you failed to achieve the required average in conduct. Your contentions are neither supported by the evidence of record nor by any evidence submitted in support of your application. The Board concluded that the discharge was proper and no change is warranted. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

You may request a certified copy of your DD Form 214 from the custodian of your record, by writing the National Personnel Record Center (NPRC), Military Personnel Records, 9700 Page Boulevard, St. Louis, MO 63132. Your record indicates that a general discharge certificate was issued. These certificates are done in the original only and are not reissued. Since you have no way of proving you did not receive the discharge certificate, you may request NPRC issue you a certificate of service in lieu of a lost discharge certificate.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records.

Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER
Executive Director